

THE HONORABLE Marc L. Barreca  
Chapter 13  
Location: Port Orchard  
Hearing Date:  
Time:  
Response Date:

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

|                               |   |                             |
|-------------------------------|---|-----------------------------|
| <b>IN RE:</b>                 | ) | <b>CASE NO. 10-12091</b>    |
|                               | ) |                             |
| <b>WILLIAM BLAKE HOLMES,</b>  | ) | <b>ADVERARY NO.</b>         |
| <b>MELISA TEISCHY HOLMES,</b> | ) |                             |
|                               | ) |                             |
| <b>Debtor(s).</b>             | ) | <b>COMPLAINT TO DECLARE</b> |
| _____                         | ) | <b>REAL ESTATE LOANS AS</b> |
|                               | ) | <b>UNSECURED LIENS ON</b>   |
| <b>WILLIAM BLAKE HOLMES,</b>  | ) | <b>DEBTORS' RESIDENCE</b>   |
| <b>MELISA TEISCHY HOLMES,</b> | ) |                             |
|                               | ) |                             |
| <b>Plaintiff(s),</b>          | ) |                             |
|                               | ) |                             |
| <b>vs.</b>                    | ) |                             |
|                               | ) |                             |
| <b>COLUMBIA BANK,</b>         | ) |                             |
|                               | ) |                             |
| <b>Defendant.</b>             | ) |                             |
| _____                         | ) |                             |

COMES NOW Plaintiffs, William Blake Holmes and Melisa Teischy Holmes, by  
and through their attorney, DAVID CARL HILL, and allege as follows:

**I.**

That Plaintiffs are the debtors in the above entitled action and the owners of real  
property located at 24218 Stottlemeyer Rd NE, Poulsbo, Kitsap County, Washington, more  
fully described as:

Complaint to Declare Real Estate Loans as  
Unsecured Liens on Debtors' Residence - 1 -

LAW OFFICE OF  
DAVID CARL HILL,  
Hill Law, Com, P.S.  
2472 BETHEL RD SE, SUITE A  
PORT ORCHARD, WA 98366  
(360) 876-5015 FAX: (360) 895-1491

1 LOT C OF SHORT PLAT NO. 3848R-3 RECORDED UNDER  
2 AUDITOR'S FILE NO. 8507260096 AND AMENDED UNDER AUDITOR  
3 FILE NOS. 9005090178, 9201230009 AND 9310060213) THAT PORTION  
4 OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST  
QUARTER OF SECTION 31, TOWNSHIP 27 NORTH, RANGE 2 EAST,  
W.M., IN KITSAP COUNTY, WASHINGTON.  
Tax Parcel No.312702-3-016-2002

5  
6 **II.**

7 That Columbia Bank is a mortgage lender licensed to do business in the State of  
8 Washington.

9 **III.**

10 That on or about 4/21/08, Defendant Columbia Bank's predecessor in interest,  
11 American Marine Bank granted a loan to a corporation owned by Plaintiffs in the principal  
12 amount of \$107,000.00. Said loan was guaranteed by Plaintiffs and secured by a deed of  
13 trust. That on the date of said loan, Debtor's property was encumbered by a Deed of Trust  
14 in favor of Bank of America, which secured a debt to the same in the approximate amount  
15 of \$406,527.61, and by a Deed of Trust in favor of WATERMARK CREDIT UNION in the  
16 principal amount of \$162,000.00.

17  
18 **IV.**

19 That the current market value of the property securing the above stated loans is  
20 \$351,000.00.

21  
22 **V.**

23 That Plaintiffs filed for relief under Chapter 13 of the Bankruptcy Code on February  
24 26, 2010. In connection therewith, Plaintiffs filed a Plan which provided that the second  
25 mortgage (deed of trust) and the third mortgage (deed of trust) fully exceeded the value of

1 Plaintiffs' residence and should therefore be deemed unsecured. Said debt is subject to  
2 modification pursuant to 11 U.S.C. §1322(b)(2).

3 **WHEREFORE**, Plaintiffs/debtors pray as follows:

- 4 1. For an order declaring the lien of Columbia Bank to be wholly unsecured;  
5 2. Directing that upon discharge of the debtors, that said lien be removed as an  
6 encumbrance upon Plaintiffs/Debtors' real property.  
7 3. For such other and further relief as the Court deems just and appropriate.

8 DATED this 9<sup>th</sup> day of August, 2010.

9  
10 /s/ David Carl Hill  
11 DAVID CARL HILL, WSBA #9560  
Attorney for Debtors/Plaintiffs

12 STATE OF WASHINGTON )  
13 ) ss.  
COUNTY OF KITSAP )

14 WILLIAM BLAKE HOLMES and MELISA TEISCHY HOLMES, being first duly  
15 sworn on oath, deposes and states:

16 That we are the plaintiffs in the above entitled action. We have read the foregoing  
17 Complaint, know the contents thereof and believe the same to be true and accurate.

18 /s/ William Blake Holmes  
19 William Blake Holmes

20 /s/ Melisa Teischy Holmes  
21 Melisa Teischy Holmes

22 SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of August, 2010.

23 /s/ Corrine Rowley  
24 NOTARY PUBLIC in and for the  
25 State of Washington.  
My commission expires: Aug 15, 2013.

26  
27 Complaint to Declare Real Estate Loans as  
28 Unsecured Liens on Debtors' Residence - 3 -

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